

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, November 7, 2007 - 3:30 p.m.

PUBLIC HEARINGS - 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Pattie Kelley – 651-266-8630 Office of the City Council

CONSENT AGENDA (Items 1 - 26)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Marcus L. Almon, CMR (two claims for Qwest), Craig M. Gisch, Judith M. Otte, Misty D. Weldon, and Xcel Energy.
 Referred to Risk Management
- 2. Complaint in the matter of Glenn A. Johnson vs. the City of Saint Paul. **Referred to the City Attorney's Office**
- 3. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on November 21, 2007 to consider the petition of the Church of Saint James to vacate and re-dedicate north/south alley rights in the Randolph Avenue/View Street block in order to slightly reconfigure the property playground equipment.
- 4. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on November 21, 2007 to consider the petition of Parkway Little League to vacate street rights in a portion of Frank Street and Conway Street, currently used by Parkway Little League, in order to allow the petitioner to reconfigure existing property.

- 5. Letters from the Department of Safety and Inspections/Code Enforcement declaring 751 Burr Street, 552 Charles Avenue, 359 Hyacinth Avenue East, 605 Magnolia Avenue East, 610 Magnolia Avenue East, 333 Maryland Avenue West, 1185 Payne Avenue, and 276 Topping Street as nuisance properties, and setting dates of Legislative Hearings for November 13, 2007 and City Council public hearings for December 5, 2007.
- 6. Letters from the Department of Safety and Inspections/Code Enforcement declaring 705 Bidwell Street, 674 Blair Avenue, 858 Burr Street, 729 Curfew Street, 543 Edmund Avenue, 447-449 Fry Street, and 1587 Huron Street as nuisance properties, and setting date of Legislative Hearings for November 27, 2007 and City Council public hearings for December 19, 2007.
- 7. Letters from the Department of Safety and Inspections/Code Enforcement declaring 898 Albemarle Street, 902 Albemarle Street, 890 Armstrong Avenue, 314 Bates Avenue, and 815 Robert Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)

FOR ACTION

- Approval of minutes of August 22 and September 5 and 12, 2007.
 Adopted Yeas 7 Nays 0
- 9. Resolution 07-1029 Approving the January 1, 2007 through December 31, 2007 Collective Bargaining Agreement between the City of Saint Paul and the Saint Paul Police Federation. (To be laid over one week for adoption) (GS 3045556)

Laid over to November 14 for adoption

10. Resolution – 07-1030 – Changing the rate of pay for the classification of Health Information Administrator from Grade 016 to Grade 019 of Bargaining Unit 06, Professional Employees Association Salary Schedule. (GS 3045540)

Adopted Yeas – 7 Nays - 0

11. Resolution – 07-1031 – Changing the rate of pay for the classification of Health Educator II from Grade 013 to Grade 016 of Bargaining Unit 06, Professional Employees Association. (GS 3045538)

Adopted Yeas – 7 Nays - 0

12. Resolution – 07-1032 – Authorizing the Mayor's Office to accept a gift of travel and hotel expenses from the Capital City Partnership and the City of Neuss, Germany for Mayor Chris Coleman, Joe Spencer, Erin Dady, and Cecile Bedor to visit Neuss, Germany from November 14-21, 2007 to promote trade, education, and understanding between the citizens of the two cities. (GS 3045630)

Adopted Yeas – 7 Nays - 0

13. Resolution – 07-1033 – Supporting the VISTA program involvement and authorizing the appropriate City officials to enter into a Memorandum of Understanding with the Corporation for National and Community Service for the period of the 2007-2008 VISTA program year, pursuant to which it will act as a sponsor organization. (GS 3045355)

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-1034 – Authorizing the Department of Planning and Economic Development to apply to the Metropolitan Council for Tax Base Revitalization grants for the Total Tool, Sholom Home, 360 Cedar Street, and Landmark Brewery sites. (GS 3045214)

Adopted Yeas - 7 Nays - 0

15. Resolution – 07-1035 – Authorizing the Division of Parks and Recreation to establish MNDOT as an agent for accepting federal funds on the City's behalf for a trial connection between the existing Bruce Vento Regional Trail and the existing Mississippi River Corridor. (GS 3044659)

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-1036 – Accepting conveyance of a Housing and Redevelopment Authority-owned parcel at Plum Street and Mounds Boulevard, and authorizing payment of \$40,000 for its purchase. (GS 3045175)

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-1037 – Authorizing the Department of Fire and Safety Services to accept a donation in the amount of \$5,000.00 from the estate of Donald Davis. (GS 3044573)

Adopted Yeas - 7 Nays - 0

18. Resolution – 07-1038 – Authorizing the Department of Fire and Safety Services to enter into an agreement with the Minnesota State Fair to use a portion of the walkways at the Coliseum for training purposes. (GS 3044551)

Adopted Yeas – 7 Nays - 0

19. Resolution – 07-1039 – Formally vacating the stay in implementation of C.F. 07-648, an Order to Remove 80 Sycamore Street East. (GS 3045796)

Adopted Yeas – 7 Nays - 0

20. Resolution – 07-1040 – Amending C.F. 07-759 to delete the assessment for graffiti removal at 847 Sherburne Avenue. (GS 3045792)

Adopted Yeas – 7 Nays - 0

21. Resolution – 07-1041 – Amending C.F. 07-882 to delete the assessment for graffiti removal at 484 Ashland Avenue. (GS 3045793)

Adopted Yeas -7 Nays -0

22. Resolution – 07-1042 – Amending C.F. 07-886 to delete the assessment for graffiti removal at 1080 Mackubin Street. (GS 3045794)

Adopted Yeas -7 Nays -0

23. Resolution – 07-1043 – Amending C.F. 07-942 to delete the assessment for graffiti removal at 738 Blair Avenue. (GS 3045790)

Adopted Yeas – 7 Nays - 0

24. Resolution – 07-1044 – Amending C.F. 07-822 to delete the assessment for property clean up at 1276 St. Clair Avenue. (GS 3045331)

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-1045 – Memorializing City Council action taken October 17, 2007 denying the appeal for property at 408 Belvidere Street East, per the recommendation of the Legislative Hearing Officer. (GS 3045414)

Adopted Yeas -7 Nays -0

26. Resolution – 07-1046 – Approving the decision of the Legislative Hearing Officer on an Appeal of a Correction Notice for property at 906 Charles Avenue. (GS 3045511)

Adopted Yeas – 7 Nays - 0

FOR DISCUSSION

27. Resolution – 07-1047 – Ratifying the appointment of Tim Butler as Fire Chief effective November 26, 2007. (GS 3045832)

Adopted Yeas - 7 Nays - 0

28. Resolution – 07-646 – Ordering the owner to remove or repair the property at 851 Conway Street within fifteen (15) days from adoption of resolution. (GS 3040598) (Public hearing held July 18; laid over from September 5) (Legislative Hearing Officer's recommendation is forthcoming)

Laid over to November 14; Recalled and laid over to January 2, 2008 Yeas – 7 Nays - 0

29. Consideration of the report of the Administrative Law Judge concerning all licenses held by Hmong American Partnership, 1075 Arcade Street. (Public hearing held and laid over July 18; laid over September 5)

Laid over to November 21 Yeas – 7 Nays – 0

30. Resolution – 07-959 – Amending the 2007 budget to provide for the scope changes needed in the renovation of the 15th floor City Hall Annex and for repayment of the loan in 2007. (Laid over from October 24) (GS 3040831)

Adopted Yeas - 7 Nays - 0

31. Resolution – 07-960 – Amending the financing and spending plans of the Selby, Victoria, Minnehaha, and Jessamine at Como Place projects by transferring MSA funding from Selby Streetscape Phase I and PIA from the 2000 Local Street Improvement Program. (Laid over from October 24) (GS 3042031)

Adopted Yeas - 7 Nays - 0

32. Resolution – 07-961 – Amending the spending and financing plans of the 2006 Residential Street Vitality Program by adding assessments and SPRWS funding and transferring Sewer, PIA, and Street Improvement Bonds from other capital projects. (Laid over from October 24) (GS 3043432)

Adopted Yeas – 7 Nays - 0

- 33. Resolution 07-962 Amending the spending and financing plans of the St. Peter/Rondo Storm Tunnel Phase II project by transferring 2007 funding from the Sewer Utility Fund and surplus funding from the St. Peter/Rondo Storm Tunnel Phase I project. (Laid over from October 24) (GS 3043100)

 Substitute introduced and adopted Yeas 7 Nays 0
- 34. Resolution 07-964 Amending the spending and financing plans of the 2007 Residential Street Vitality Program by adding SPRWS, STAR Grant funds and alley assessments, and transferring Major Sewer Repair, Stormwater Quality Improvements, MSA, and CIB funds from other capital projects. (Laid over from October 24) (GS 3043390)

Adopted Yeas -7 Nays -0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

- 35. Second Reading 07-1026 An ordinance amending Chapter 64 of the Saint Paul Legislative Code to ban new roof signs. (GS 3045535)

 Laid over to December 19 for third reading/public hearing
- 36. Second Reading 07-1027 An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to roof signs by adding new language regulating the orientation and design appearance of roof signs. (GS 3045537)

 Laid over to December 19 for third reading/public hearing
- 37. First Reading 07-1048 An ordinance amending Chapters 87, 88, 89, 90, 91, 92, and 94 of the Saint Paul Legislative Code pertaining to the rules and regulations of the Board of Water Commissioners to increase fines, revise process for establishing certain charges, and general housekeeping. (GS 3044891)

 Laid over to November 14 for second reading
- 38. First Reading 07-1049 An ordinance amending Chapter 402 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045750)

 Laid over to November 14 for second reading

- 39. First Reading 07-1050 An ordinance amending Chapter 403 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045752) **Laid over to November 14 for second reading**
- 40. First Reading 07-1051 An ordinance amending Chapter 409 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045751)
 Laid over to November 14 for second reading
- 41. First Reading 07-1052 An ordinance amending Chapter 331A of the Saint Paul Legislative Code and creating Section 331A.11 of Chapter 331A to establish a system of administrative enforcement of Food Safety regulations. (GS 3045798)

 Laid over to November 14 for second reading
- 42. First Reading 07-1053 An ordinance amending Chapter 310 of the Saint Paul Legislative Code to include administrative penalties for food code violations. (GS 3045801)

Laid over to November 14 for second reading

PUBLIC HEARINGS

- 43. Presentation by Matt Smith, Director, Office of Financial Services, and public hearing on the 2008 City, Library Agency and HRA Budgets, Service Levels and Tax Increment Plans.
- 44. Resolution 07-1054 Approving action taken by the Board of Water Commissioners establishing water rates for 2008. (GS 3044992) **Public hearing closed and laid over to December 12**
- 45. Resolution 07-1055 In the matter of the assessment of benefits, cost, and expenses for right-of-way maintenance in 2008. (GS 3043097) **Public hearing closed and laid over to December 12**
- 46. Resolution 07-1056 Setting 2008 Sanitary Sewer Rates and 2008 Storm Sewer System Charges. (GS 3044652)

Public hearing closed and laid over to December 12

47. Resolution – 07-1057 – Increasing the Sewer Availability Charge (SAC) from \$1,675 per SAC unit to \$1,825 per SAC unit beginning in January 2008. (GS 3045141)

Public hearing closed and laid over to December 12

48. Third Reading – 07-966 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees (except restaurants and on-sale liquor) to reflect the current level of service. (GS 3044691)

Substitute introduced and laid over to November 14 for final adoption Yeas-7 Nays -0

49. Third Reading – 07-967 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees for restaurants and on-sale liquor to reflect the current level of service. (GS 3044700)

Substitute introduced and laid over to November 14 for final adoption Yeas - 7 Nays - 0

50. Third Reading – 07-1003 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code to raise permit fees 10%. (GS 3045313)

Substitute introduced and laid over to November 14 for final adoption eas – 4 Nays – 0 (Benanav, Bostrom, Helgen not present)

51. Third Reading – 07-1004 – An ordinance amending Chapter 370 of the Saint Paul Legislative Code to increase fees 10% for Certificate of Competency examinations. (GS 3045310)

Laid over to November 14 for final adoption Yeas – 5 Nays – 0 (Benanav, Helgen not present)

52. Public hearing to consider the appeal of Mr. Galaleldin Hussein to a decision of the Planning Commission denying a conditional use permit for outdoor auto sales at 373 Ruth Street North. (ZF 07-169-078)

Public hearing continued to November 21

Yeas - 6 Nays - 0 (Benanav not present)

53. Public hearing to consider the application of James and Angela Goddard for variance of subdivision regulations to permit the creation of a dead-end alley by vacating a section of the alley from 535 Montcalm Place north to Montcalm Place. [ZF 07-169-743]

Motion of Intent – Application Granted Yeas – 7 Nays – 0

54. Resolution – 07-1058 – Approving the petition of James and Angela Goddard to vacate part of an alley in the Montcalm/Edgcumbe block for the purpose of landscaping and lot beautification. (GS 3045250)

Adopted Yeas - 7 Nays - 0

55. Resolution – 07-930 – Authorizing CBS Outdoor to install new advertising bus shelters at various locations throughout the City. (Public hearing continued from October 17) (GS 3044131)

Amended; public hearing continued to November 21 Yeas – 6 Nays – 0 (Benanav excused)

56. Resolution – 07-931 – Extending Residential Permit Parking in Area 7 to include Smith Avenue from West Seventh Street to Goodrich Avenue and Goodrich Avenue from Smith Avenue to the dead-end east of Leech Street, and changing all of Permit Area 7 to "No Parking Except by Permit." (Public hearing continued from October 3) (GS 3044090)

Public hearing continued to November 21 Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

57. Resolution Ratifying Assessment – 07-1059 – In the matter of the assessment of benefits, cost, and expenses for tenant remedy action rehabilitation in June 2007 for property at 1123 Galtier Street. [TR0706] (GS 3044293)

Adopted Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

58. Resolution – 07-1060 – Ordering the owner to remove the building at 1000-1002 Desoto Street within fifteen (15) days from adoption of resolution. (GS 3043993) (Legislative Hearing Officer recommends approval)

Adopted Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

59. Resolution – 07-1061 – Ordering the owner to remove the building at 38 Geranium Avenue East within fifteen (15) days from adoption of resolution. (GS 3043991) (Legislative Hearing Officer recommends approval)

Adopted as amended (remove within 5 days)

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

60. Resolution – 07-1062 – Ordering the owner to remove or repair the building at 835 Juno Avenue within fifteen (15) days from adoption of resolution. (GS 3043990) (Legislative Hearing Officer's recommendation is forthcoming)

Adopted as amended (per the recommendation of the Legislative Hearing Officer) (remove or repair within 180 days)

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

61. Resolution – 07-1063 – Ordering the owner to remove the building at 1098 Sylvan Street within fifteen (15) days from adoption of resolution. (GS 3043992) (Legislative Hearing Officer recommends approval)

Adopted as amended (remove within 5 days)

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

62. Resolution Ratifying Assessment – 07-1064 – In the matter of the assessment of benefits, cost, and expenses for property clean up on July 16, 2007 at 1885 Maryland Avenue East. (J0712A1). (Referred back to Legislative Hearing by Council on October 3) (GS 3044836) (Legislative Hearing Officer recommends deleting the assessment)

Adopted (per the recommendation of the Legislative Hearing Officer) Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

63. Resolution Ratifying Assessment – 07-1065 – In the matter of the assessment of benefits, cost, and expenses for property clean up on August 10, 2007 at 89 Atwater Street (J0713A1), and removing diseased elm trees during winter season 2006/2007 at 429 Mt. Ida Street (J0704T1). (Referred back to Legislative Hearing by Council on October 17) (GS 3045470) (Legislative Hearing Officer recommends the following:

 $\underline{89 \ Atwater \ Street}$ (J0713A1) - reduce the assessment from a total of \$358 to a total of \$258; and

<u>429 Mt. Ida Street</u> (J0704T1) - recommendation is forthcoming <u>approve the assessment.</u>)

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

64. Appeal of Carolyn Roy to a Summary Abatement Order for property at <u>582 Como</u> Avenue.

Withdrawn

65. Appeal of John Stefanyshyn and Adelheid Stefanyshyn to a Condemnation and Order to vacate property at <u>98 Garfield Street</u>. (Legislative Hearing Officer recommends denying the appeal)

Appeal denied

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

66. Appeal of Ron Staeheli to a Summary Abatement Order for property at <u>906</u>

<u>Charles Avenue</u>. (Legislative Hearing Officer's recommendation is forthcoming) **Appeal denied**

Yeas – 5 Nays – 0 (Benanav excused; Montgomery not present)

67. Appeal of Eldon Johnson to a Vehicle Abatement Order for property at 1452

Ashland Avenue. (Legislative Hearing Officer recommends denying the appeal)

Appeal denied Yeas – 6 Nays – 0 (Benanav excused)

Suspension Items:

First Reading – 07-1066 – An ordinance amending Chapter 331A.04 of the Saint Paul Legislative Code creating additional classifications of restaurants. (GS 3046099)

Introduced and laid over to November 14 for second reading Yeas – 7 Nays - 0

Resolution – 07-1067 – Canvassing the returns and declaring the results of the City General Election held November 7, 2007. (GS 3045972)

Adopted Yeas - 7 Nays - 0

Resolution – 07-1068 – Recognizing the contributions to the United States by Hmong American Servicemen and Servicewomen. (GS 3046173)

Adopted Yeas - 7 Nays - 0

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit http://www.stpaul.gov/council/ for meeting videos and updated copies of the agendas, minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
